

# Taking in a lodger: your obligations

**This factsheet looks at your obligations if you rent out a room in your home to a lodger.**

A lodger is someone who pays you rent and lives with you in your home, sharing facilities such as the bathroom and kitchen. If you want, you can provide meals to your lodger, or offer to clean their room.

A lodger has the use of a room in your home. But you keep overall control of your home, including their room.

## Get permission: tenants

Check your tenancy agreement to see if you can have a lodger. If you are a private or housing association tenant your landlord might not allow you to share your home.

Council tenants have the right to take in a lodger. Your tenancy agreement might say that you must tell the council first.

Even if your tenancy agreement says nothing about renting out a room, it is best to ask your landlord first. This can help to avoid problems later on.

## What if you don't get permission?

You risk being taken to court for breaching the terms of your tenancy if you don't get the permission needed before your lodger moves in. Get advice if you are in this position as you could be evicted.

## Owner occupiers

If you own your home you don't need permission to take in a lodger. Your lease or mortgage may say that you must tell your freeholder or lender.

But you will need their permission if you want to sublet your home to a tenant.

## Right to rent immigration checks

From 1 February 2016 (or 1 December 2014 in parts of the West Midlands) some people from abroad do not have the right to rent. See the factsheet [Right to rent](#) for details.

You must check that any new lodger you rent to has the right to stay in the UK and the 'right to rent'. It's a criminal offence to rent to someone who doesn't have a right to rent.

Your own landlord might agree to do the checks for you. Get written confirmation if they agree to do this.

## Your responsibilities as a landlord

By taking in a lodger you become a landlord. This means you have legal obligations, eg:

- gas equipment must be checked every year by a Gas Safe registered engineer
- furniture must meet the fire safety rules
- electrical appliances and the electrics in your home must be safe.

If you are a tenant yourself, make sure your landlord is meeting their legal obligations.

## Create a written agreement

It is best to have a written agreement that you and your lodger will sign. This should set out the rights and responsibilities you both have including:

- the rent and how and when to pay it
- any services you will provide
- what notice is required to end the lodging agreement
- house rules, such as whether your lodger can have guests to stay over.

It is a good idea to make an inventory (list) of anything you provide to your lodger.

## Asking your lodger to leave

You do not need to get a court order if you want your lodger to leave, but you must give them reasonable notice. If you and your lodger signed an agreement this should say how much notice you must give them.

If the Home Office sends you a notice stating that your lodger doesn't have the right to rent, you must take steps to evict them as soon as possible. You could be fined or sent to prison if you don't.

See the factsheet [Taking in a lodger: money matters](#) for financial matters that may affect you if you take in a lodger.

## Further advice

You can get further advice from [england.shelter.org.uk/housing\\_advice](http://england.shelter.org.uk/housing_advice), local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on 0808 800 4444 for advice and information on your options.\*



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